

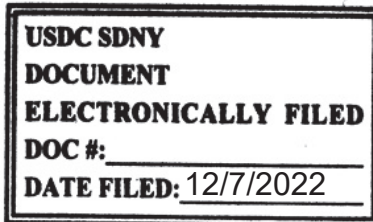
PARKER IBRAHIM & BERG LLP

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December 7, 2022

VIA ECF

The Honorable Robert W. Lehrburger
 United States District Court
 Southern District of New York
 40 Foley Square, Room 2204
 New York, New York 10007



Re: *Therabody, Inc. v. Tzumi Electronics LLC, et al.*
 Civil Action No. 1:21-cv-07803-PGG-RWL

Dear Judge Lehrburger:

This firm represents Plaintiff Therabody, Inc. (“Therabody”) in the above referenced patent litigation. Pursuant to Your Honor’s Individual Rules of Practice, we write to respectfully request an extension of time to submit Therabody’s Opening Claim Construction Brief, and corresponding adjustments to the time to submit responsive and reply briefs. Counsel for Therabody has met and conferred with counsel for Defendants Tzumi Electronics LLC and Tzumi Inc. (collectively, “Tzumi”), who confirmed that Tzumi does not oppose this request.

Subject to the Court’s approval, Therabody requests that the Court extend the deadline for filing the Opening Claim Construction Brief by one (1) week, making the deadline December 23, 2022. As a result of that accommodation to the schedule, subject to the Court’s approval, Therabody respectfully requests that the Court extend the deadline one (1) week for filing the Responsive Claim Construction Brief, making the new deadline February 10, 2023, and for filing the Reply Claim Construction Brief, making the new deadline March 10, 2023. The table below reflects the revised deadlines:

	Original Deadline (D.I. 51)	Revised Deadline
Opening Claim Construction Brief	December 16, 2022	December 23, 2022
Responsive Claim Construction Brief	February 3, 2023	February 10, 2023
Reply Claim Construction Brief	March 3, 2023	March 10, 2023

This is Therabody’s first request for an extension of this deadline. The brief extension is requested in good faith, not for the purposes of delay, and will potentially simplify the issues to be presented to the Court. Rather, it will allow Therabody to consider revised constructions recently provided by Tzumi, and for Therabody and Tzumi to continue to discuss potential compromise claim constructions. The extension will not affect the other dates in the case schedule.

New York Office: 5 Penn Plaza, Suite 2371 – New York, New York 10001 – 212.596.7037

New Jersey Office: 270 Davidson Avenue – Somerset, New Jersey 08873 – 908.725.9700

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We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Diane C. Ragosa

Diane C. Ragosa

cc: Counsel for all Parties (via ECF)

Extension granted.

SO ORDERED:

12/7/2022

A handwritten signature in black ink, appearing to be 'R. Lehrburger', written over a horizontal line.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE